



JAMES E. MCGREEVEY
GOVERNOR

STATE OF NEW JERSEY
DEPARTMENT OF PERSONNEL

MARJORIE A. SCHWARTZ
ACTING COMMISSIONER

Merit System Board

**AGENDA OF REGULAR MEETING OF
THE MERIT SYSTEM BOARD
OCTOBER 6, 2004**

Marjorie A. Schwartz, Acting Chairwoman
Flavella Branham
John Currie
Margaret E.L. Howard
Robert J. Long

DATE: September 7, 2004

TO: Marjorie A. Schwartz, Acting Commissioner
Department of Personnel

FROM: Elizabeth Van Marter, Director
Human Resource Management

SUBJECT: Change in the State Classification Plan

DEPARTMENT OF THE TREASURY

The Department of the Treasury requests the title re-activation, verbiage change and downward salary re-evaluation of a department-specific title.

The title will be used to classify positions in Lottery sales having supervisory responsibility for work operations in either Retail Sales or Corporate Accounts. Incumbents oversee Sales Representative staff providing assistance to retailers and chain stores marketing instant games. These supervisors are currently classified under separate titles.

The Department requests the reactivation and range change of an existing, active title in lieu of creating a new one. The Department further agrees to the inactivation of a title they will no longer need in exchange for approval of this reactivation request, once all incumbents are classified to the new title.

TITLE REACTIVATION, VERBIAGE AND RANGE CHANGE

Effective: 07/24/04

FROM:
Chief, Technical Equipment Treasury
S29-52695 Career D NL/12

TO:
Sales Supervisor, State Lottery
S27-52695 Career D NL/12

TITLE INACTIVATION

Effective: 07/24/04

Manager, District Office State Lottery
M24-52355 Career D NL/12

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Shakima Bacon
Newark School District
Suspension

In the Matter of David Bonelli
Borough of Hopatcong
Department of Public Works
Suspension, Demotion and Removal

In the Matter of Ina M. Boyce
County of Mercer
Department of Human Services
Suspension

In the Matter of Sean Chinsoon
County of Monmouth
Sheriff's Department
Back pay

In the Matter of Theresa Gibson
Ancora Psychiatric Hospital
Department of Human Services
Removal

In the Matter of Gail Good
Northern State Prison
Department of Corrections
Removal

In the Matter of Gary Margulis
Trenton Psychiatric Hospital
Department of Human Services
Release at the end of the working test period

In the Matter of Hubert Moses
City of Trenton
Department of Public Works
Removal

In the Matter of John Robertson
County of Hudson
Department of Public Resources
Suspension

In the Matter of Mary Sauer
County of Burlington
Buttonwood Hospital
Suspension

**RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN THE ABOVE
CASES – SETTLEMENT**

ACTION:

A2 HARRISON HOGUE

Harrison Hogue, Senior Security Guard, Newark School District, 15-day suspension on charges of insubordination, chronic or excessive absenteeism, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the 15-day suspension.

ACTION:

A-3 EDWARD O'NEILL

Edward O'Neill, Sheriff's Officer, County of Monmouth, Sheriff's Department, 30-day suspension on charges of neglect of duty, creating a potential danger to other officers, inmates and the public, and conduct unbecoming a public employee and violation of various rules regarding firearms care.

Recommendation of the Administrative Law Judge – Uphold the 30-day suspension.

ACTION:

A-4 JOSEPH PEREZ

Joseph Perez, Senior Correction Officer, Albert C. Wagner Youth Correctional Facility, Department of Corrections, removal effective April 14, 2003, on charges of conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-5 OWEN WILLIAMS

Owen Williams, Supervising Juvenile Detention Officer, County of Monmouth, Department of Corrections and Youth Services, removal effective July 28, 2003, on charges of falsification, conduct unbecoming a public employee and misuse of County property.

Recommendation of the Administrative Law Judge – Modify the removal to a ten-day suspension.

ACTION:

A-6 PEARL ZYCKOWSKI

Pearl Zyckowski, Correction Officer Recruit, Southern State Correctional Facility, Department of Corrections, removal effective September 13, 2000, on charges of incompetency, inefficiency or failure to perform duties and violation of rules regarding incapacity to discharge one's duty due to mental or physical disability.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

SECTION B – MISCELLANEOUS MATTERS

B-1 RASHID ABDUNAFI

Rashid Abdunafi, a Senior Correction Officer at East Jersey State Prison, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-2 MICHAEL BOYLAN

Michael Boylan, a Senior Correction Officer at Edna Mahan Correctional Facility for Women, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-3 ROBERT MORGAN

Robert Morgan, a Senior Medical Security Officer with the Ann Klein Forensic Center, Department of Human Services, represented by Ronald Brown, President AFSCME, Local 2222, appeals the denial of sick leave injury (SLI) benefits)

B-4 DAVID BALDASSARI AND DAVID REMBOSKI

David Baldassari and David Remboski appeal their non-appointment from Certification No. PS40472 for the title of Telecommunications Systems Analyst 1, Department of the Treasury.

ACTION:

B-5 RUSSELL GABRIEL

Russell Gabriel, an Equipment Operator with Monmouth County, appeals the decision of Human Resource Information Services, which upheld the removal of his name from the list for Heavy Equipment Operator (PC0659D), based on his unsatisfactory employment record.

ACTION:

B-6 EUGENE ROGERS

Eugene Rogers appeals the removal of his name from the eligible list for Infection Control Coordinator (C0200D), Camden County, on the basis that he lacked the minimum requirements for the position.

ACTION:

B-7 FIRE FIGHTER (M2079A), CITY OF PATERSON

The City of Paterson appeals the decision of Human Resource Information Services, which denied its request to revive the eligible list for Fire Fighter (M2079A), City of Paterson in order to effectuate 16 appointments.

ACTION:

B-8 SENIOR TRAINING TECHNICIAN (PC2241C), PASSAIC COUNTY BOARD OF SOCIAL SERVICES

The Division of Human Resource Information Services requests that the Merit System Board order the Passaic County Board of Social Services to return the November 26, 2002 certification (PL022485) of the eligible list for Senior Training Technician (PC2241C) for proper disposition.

ACTION:

B-9 TECHNICAL SUPPORT SERVICES SPECIALIST 1 (S6698E), DEPARTMENT OF COMMUNITY AFFAIRS

The Department of Community Affairs requests permission not to make an appointment from the certification for Technical Support Specialist 1 (S6698E), State of New Jersey.

ACTION:

B-10 WARREN LACKLAND

Warren Lackland, an Inspector with the Casino Control Commission (CCC), appeals the determination of the Chair of the CCC, which found that the appellant failed to present sufficient evidence to support a finding that he had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

ACTION:

B-11 JAMES E. SMITH

James E. Smith, a former Lieutenant with the Division of State Police, Department of Law and Public Safety, appeals the determination of the Deputy Chief of Staff stating that the appellant had violated the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

ACTION:

B-12 NICHOLAS CONDITO

Nicholas Conditto, a County Correction Lieutenant with the Essex County Department of Public Safety, petitions the Merit System Board for interim relief of his immediate 60-day suspension and demotion to the title of County Correction Officer, effective June 8, 2004, pending the outcome of his appeal to the Board.

ACTION:

B-13 JAMES E. GANLEY

The New Jersey Superior Court, Appellate Division has affirmed the decision of the Merit System Board in *In the Matter of Code Enforcement Officer (M00410), City of Jersey City* (MSB, decided January 29, 2003). However, the Court remanded a portion of the matter to the Board for a determination of reasonable counsel fees pursuant to N.J.S.A. 11A:2-22 and N.J.A.C. 4A:2-1.5(b).

ACTION:

B-14 ROBERT DEFALCO

The appeal of Robert DeFalco, a Compactor Truck Driver with Monmouth County, of his 20-day suspension, on charges, was heard by Administrative Law Judge Joseph F. Martone (ALJ), who rendered his initial decision on August 10, 2004. At its meeting on September 22, 2004, the Merit System Board adopted the ALJ's recommendation to uphold the charges and the 20-day suspension. However, the Board did not uphold that portion of the ALJ's decision which found the appellant's temporary transfer void. Rather, the Board upheld the appellant's movement as a temporary reassignment. The proposed final decision is now submitted for the Board's review.

ACTION:**B-15 ALPHONSO HUNT**

The appeal of Alphonso Hunt, a County Correction Officer with the Cumberland County Department of Corrections, of his two removals effective May 13, 2003, on charges, was heard by Administrative Law Judge Bruce M. Gorman (ALJ), who rendered his initial decision on August 11, 2004, recommending dismissal of one removal and modifying the second removal to a one-day suspension. At its meeting on September 22, 2004, the merit System Board adopted the ALJ's recommendation. The proposed decision is now submitted for the Board's review.

ACTION:**B-16 THOMAS LYLES, JR.**

The appeal of Thomas Lyles, Jr., a Hospital Maintenance Supervisor with the County of Burlington, Buttonwood Hospital, of his demotion to Supervising Maintenance Repairer effective October 13, 2000 and his removal, effective January 27, 2003, on charges, was heard by Administrative Law Judge Joseph F. Fidler (ALJ), who rendered his initial decision on August 18, 2004. At its meeting on September 22, 2004, the Merit System Board adopted the ALJ's recommendation to uphold the demotion but did not adopt the ALJ's recommendation to uphold the removal. Rather, the Board modified the removal to a six-month suspension. The proposed decision is now submitted for the Board's review.

ACTION:

B-17 RUDOLPH SHAW

The appeal of Rudolph Shaw, a Building Maintenance Worker with the Department of Health Care Facilities, Monmouth County, of his resignation not in good standing effective December 8, 2000, was heard by Administrative Law Judge Jeff S. Masin (ALJ), who rendered his initial decision on August 4, 2004. At its meeting on September 22, 2004, the Merit System Board did not adopt the ALJ's recommendation to uphold the resignation not in good standing. Rather, the Board modified the resignation not in good standing to a resignation in good standing. The proposed final decision is now submitted for the Board's review.

ACTION:**B-18 LYNN ALLABAUGH, ET AL.**

Lynn Allabaugh, Gonul Turhan, and Kerri Wright appeal the determination of the Division of Selection Services which found that they did not meet the experience requirement for the open competitive examination for Forensic Scientist 1, Department of Law and Public Safety (S6708E).

ACTION:**B-19 TRACY BARCUS**

Tracy Barcus appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the promotional examination for Violations Clerk (PM1438E), Point Pleasant.

ACTION:**B-20 DOUGLAS BARNES AND SUZANNE ZIMMERMANN**

Douglas Barnes and Suzanne Zimmermann appeal the determinations of the Division of Selection Services, which found that they did not meet the experience requirements for the open competitive examination for Counselor, Victim Witness Program (C0568E), Ocean County.

ACTION:

B-21 LUIS CABRERA

Luis Cabrera appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the promotional examination for Human Services Specialist 4 (PC1479E), Union County.

ACTION:

B-22 JOSE CORTES

Jose Cortes appeals the determination of the Division of Selection Services that he did not meet the requirements for the open competitive examination for the title of Assistant Maintenance Superintendent (C050E), Burlington County.

ACTION:

B-23 RONALD DANIELS

Ronald Daniels appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the promotional examination for Pumping Station Repairer (PM1520E), Burlington County.

ACTION:

B-24 SAIDAH DAVIS AND YVETTE HUMPHRIES

Saidah Davis and Yvette Humphries appeal the determinations of the Division of Selection Services, which found that they failed to submit the required transcript or degree for the open competitive examination for Health Data Specialist 3 (S6725E), Department of Health and Senior Services.

ACTION:

B-25 BRENDA DAY

Brenda Day appeals the determination of the Division of Selection Services that per the substitution clause for education, she did not meet the experience requirement for the promotional examination for Program Analyst (PC0676E), Burlington County.

ACTION:

B-26 DOROTHY DEBLOCK

Dorothy DeBlock appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the open competitive examination for Head Cook 3 (S3500F), Department of Corrections.

ACTION:

B-27 DIANN DILAURENTIS-MORLACHETTA

Diann DiLaurentis-Morlachetta appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the promotional examination for Secretarial Assistant Typing (PC1532E), Gloucester County.

ACTION:

B-28 CATHERINE M. ELBERSON

Catherine M. Elbersen appeals the determination of the Division of Selection Services, which found that she did not meet the experience requirements for the promotional examination for Administrative Analyst 1, Accounting (PS8892K), Department of Human Services.

ACTION:

B-29 JOHN EVANGELISTA AND MARK LARKIN

John Evangelista and Mark Larkin appeal the determinations of the Division of Selection Services that they did not meet the experience requirements for the open competitive examination for Data Processing Systems Programmer 1 (S6646E).

ACTION:

B-30 EREN FERRELL

Eren Ferrell appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Administrative Analyst 2 (Fiscal Management) (PS9745K), Division of Developmental Disabilities.

ACTION:

B-31 PATRICIA GORE

Patricia Gore appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Assistant Field Service Supervisor (Family Development) (PS0622K), Division of Medical Assistance and Health Services.

ACTION:

B-32 JOSEPH GROARK

Joseph Groark appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the promotional examination for Assistant Engineer in Charge of Maintenance 1 (PS8245K), Woodbridge Developmental Center. It is noted that this matter was held over from the September 8, 2004 Merit System Board meeting.

ACTION:

B-33 SHERRY HAY

Sherry Hay appeals the determination of the Division of Selection Services, which found that she did not meet the experience requirement for the promotional examination for Administrative Analyst 2 (Fiscal Management) (PS9551P), Juvenile Justice Commission.

ACTION:

B-34 MINNIE HICKS, ET AL.

Minnie Hicks, Loretta Little, and Michelle Lucas appeal the determination of the Division of Selection Services, which found that, per the substitution clause for education, they were below the minimum requirements in experience for the promotional examination for Management Assistant (PS8221K), Greystone Park Psychiatric Hospital, Department of Human Services.

ACTION:

B-35 LINDA HILL

Linda Hill appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in experience for the promotional examination for Chief Clerk (PC1113E), Gloucester County.

ACTION:

B-36 BERNADETTE JONES

Bernadette Jones appeals the determination of the Division of Selection Services, which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Client Services Representative (PS9045K), Department of Human Services.

ACTION:

B-37 EDWARD KAYLOR

Edward Kaylor appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the open competitive examination for Program Coordinator Senior Citizens Transportation (PC0334E), Middlesex.

ACTION:

B-38 GROVER KEMBLE

Grover Kemble appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the promotional examination for Supervisor of Recreation (PS8596K), Department of Human Services.

ACTION:

B-39 DAVID KERN

David Kern appeals the determination of the Division of Selection Services, which found that he was below the minimum requirements in experience for the open competitive examination for Supervising Administrative Analyst (S3025F), State of New Jersey.

ACTION:**B-40 MARK J. LEE**

Mark J. Lee appeals the determination of the Division of Selection Services, which found that he was below the minimum requirements in experience for the open competitive examination for Supervising Administrative Analyst (S0325F), State of New Jersey.

ACTION:**B-41 PETER MARCELLO**

Peter Marcello appeals the determination of the Division of Selection Services, which found that he did not meet the experience requirements for the promotional examination for Administrative Analyst 2, Data Processing (PS7907P), Department of Law and Public Safety.

ACTION:**B-42 AURA E. MARTINEZ**

Aura E. Martinez appeals the determination of the Division of Selection Services, which found that she did not meet the experience requirements for the promotional examination for Principal Data Entry Machine Operator (PS9711I), State Parole Board.

ACTION:**B-43 STEPHANIE MCCLUNEY, ET AL.**

Stephanie McCluney, Dorothea Reed, and Bethzaida Siguinot-Sanchez appeal the determinations of the Division of Selection Services which found that, per the substitution clause for education, they did not meet the experience requirements for the Administrative Analyst (M6497E), Newark, open competitive examination.

ACTION:**B-44 STEPHANIE MCCLUNEY**

Stephanie McCluney appeals the determination of the Division of Selection Services, which found that she did not meet the experience requirements for the "dual" title Administrative Secretary/Office Services Manager (M6483E), Newark, open competitive examination.

ACTION:**B-45 ROSEMARY MCCOURT**

Rosemary McCourt appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in experience for the

promotional examination for Assistant Director of Social Rehabilitation Services (PC1598#), Bergen County.

ACTION:

B-46 DEBRA SUE MCKENNA, DAVID CILIENTO, THOMAS SMALDONE AND ALVIN PENN

Debra Sue McKenna, David Ciliento, Thomas Smaldone and Alvin Penn appeal the determination of the Division of Selection Services that they were ineligible for the promotional examination for County Correction Sergeant (PC2641E), Bergen County.

ACTION:

B-47 THOMAS MINCH

Thomas Minch appeals the determination of the Division of Selection Services that he did not meet the requirements for the promotional examination for Network Administrator 1 (PS110K), Department of Human Services.

ACTION:

B-48 MIRIAM NIEVES

Miriam Nieves appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in experience for the open competitive examination for the title of Behavior Modification Program Technician (S0278F), State of New Jersey.

ACTION:

B-49 ROBERT OTTO AND SANTIAGO ZAYAS

Robert Otto and Santiago Zayas appeal the determinations of the Division of Selection Services that, per the substitution clause for education, they did not meet the experience requirement for the open competitive examination for Investigator 1 (S0321F), Statewide.

ACTION:

B-50 KATRINA PARSONS

Katrina Parsons appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Classification Officer 3 (PS0560I), Southern State Correctional Facility.

ACTION:

B-51 CELIA R. PEDRO

Celia R. Pedro appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in education and experience for the open competitive examination for Business Manager 2 (S4101F).

ACTION:

B-52 MARY POYER

Mary Poyer appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in experience for the promotional examination for Housekeeping Supervisor 1 (PS9983I), Edna Mahan Correctional Facility for Women.

ACTION:

B-53 DONALD RAGAZZO AND JESSE THATCHER

Donald Ragazzo and Jesse Thatcher appeal the determination of the Division of Selection Services, which found that they did not meet the experience requirement for the open competitive examination for Director, Community Development Program (M6543E), Hamilton Township.

ACTION:

B-54 RUI REGUINHO

Rui Reguinho petitions the Merit System Board for reconsideration of the decision rendered on August 11, 2004, which found that he did not meet the experience requirements for the open competitive examination for Administrative Analyst 2 (Data Processing) (S6722E).

ACTION:

B-55 KRISTIAN RUSSO

Kristian Russo appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the open competitive examination for Electrician (S0289F), Statewide.

ACTION:

B-56 CURTIS WILLIAMS

Curtis Williams appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the promotional examination for Crew Supervisor Locksmiths (PS7830K), Hunterdon Developmental Center.

ACTION:

B-57 ROBYN WRAMAGE-CAPOROSO

Robyn Wramage-Caporoso appeals the determination of the Division of Selection Services, which found that she was below the minimum in experience for the promotional examination for the title of Section Chief Health Care Facility Rehabilitation/Professional Services (PS9051K), Department of Human Services.

ACTION:

B-58 CECILIA NARDONE

Cecilia Nardone appeals her score on the bilingual skills portion of the examination for Deputy Municipal Court Administrator (Bilingual in Spanish and English) (M6290E), City of Clifton. Appellant failed to achieve the minimum score required for the bilingual variant of the subject title.

ACTION:

B-59 AUDELIS TORRES

Audelis Torres appeals her score on the promotional examination for Senior Clerk Typist (PC1205E), Union County.

ACTION:

B-60 AUDITOR 1, TAXATION, ET AL.

The Communications Workers of America, Local 1033, represented by Walter R. Bliss, Jr., Esq., challenges the use of Performance Assessment Reviews (PAR's) as a factor in the scoring criteria for the promotional examination for Auditor 1 Taxation (PS3295U), Department of the Treasury.

ACTION:

B-61 PINKY BEMAH

Pinky Bemah appeals the validity of the open competitive examination for Laboratory Technician (S0219E).

ACTION:

B-62 DORIS DINGLE

Doris Dingle appeals the validity of the promotional examination for Pensions Benefits Specialist 2 (PS7227U), Department of the Treasury.

ACTION:

B-63 REBECCA J. JONES

Rebecca J. Jones appeals the validity of the open competitive examination for Management Improvement Specialist 2 (S6670E), State of New Jersey.

ACTION:

B-64 ROBIN BETHEA-HOLLAND

The Manager, Human Resources, Department of Community Affairs, on behalf of Robin Bethea-Holland, requests that Ms. Bethea-Holland's out-of-title work experience be accepted to qualify her for a promotional examination for Technical Assistant 1, Community Affairs (PS9082D), Department of Community Affairs.

ACTION:

B-65 EVA MARRERO

The Director, Division of Human Resource Management, on behalf of the Department of the Treasury, requests the acceptance of out-of-title work for Eva Marrero to qualify her for a prospective promotional examination for Senior Claims Investigator, Department of the Treasury.

ACTION:

B-66 WILLIAM BAY AND DONALD SMITH

William Bay and Donald Smith appeal the administration of the promotional examination for Supervisor Field Investigations, Taxation (PS9263U), Department of the Treasury.

ACTION:

B-67 JACQUES JEAN

Jacques Jean requests that the provisions of N.J.A.C. 4A:4-2.3(b)(3) be relaxed to accept his late application after the announced closing date for the open competitive examination for Motor Vehicle Operator 1-10 Months (S6742F).

ACTION:

B-68 MARK STEWART

Mark Stewart appeals the denial of veterans' preference on the examination for Building Maintenance Worker/Maintenance Repairer (C6100E), Bergen County.

ACTION:

B-69 DONALD STRIZKI

The appointing authority requests that the provisions of N.J.A.C. 4A:4-1.1(a), career service appointments, and N.J.A.C. 4A:3-4.4(a), salary rates for initial appointments, be relaxed in order to permit the permanent appointment of Donald Strizki to the title of Auditor 3 with the Department of Transportation at a salary of \$58,026.60.

ACTION:

B-70 OSVALDO E. VERGEL

Oswaldo E. Vergel, represented by Michael J. Sweeney, Esq., petitions the Merit System Board for a retroactive appointment date to County Correction Officer, Passaic County Sheriff's Department.

ACTION:

B-71 DAVID STEWART

David Stewart petitions the Merit System Board for reconsideration of its prior decision rendered on November 19, 2003 that denied his request to restore his prior State service in order for his personnel record to reflect continuous permanent service.

ACTION:

B-72 MERIT SYSTEM BOARD MINUTES

The minutes of the Merit System Board meeting of September 22, 2004 are submitted for adoption.

ACTION: